

Build, build, build? The consequences of deregulating planning



*As part of its plans to stimulate the economy, the Government has promised to build more homes, faster and greener. **Nancy Holman** argues that any planning deregulation they embark on will have severe consequences for protecting the poorest from substandard housing.*

On 30 June, Boris Johnson stepped onto the stage at [Dudley Technical College](#) to reveal his *new deal* plan under the banner of “build, build, build”. The set was staged with hard hats and high-vis jackets, and with a pair of work boots thrown in for good measure. It was a populist speech full of hyperbole – “we will be doubling down on our strategy, we double down on levelling up”, “we will scythe through red tape”, presumably eliminating our “newt-counting delays” which cost time and money. All of this will enable us to build more homes faster and apparently greener and better, but in practice what does all of this mean? I would suggest that the results of the Government’s deregulation of Permitted Development Rights (PDR) might provide us a cautionary tale of what lies ahead.

From 2015 onwards, the Government has been set on deregulating parts of the General Permitted Development Order (GPDO), which regulates what type of development can happen without planning permission. I appreciate that this may appear to be exactly the sort of red tape that Boris should cut through. However, it is not. In fact, the changes to PDR portend a fundamental shift in what we want from our cities and what we value as a society. A recent planning appeal in Watford helps explain this.

The case involved an ex-industrial building, which over its life had been home to an upholstery firm, a petrol station and warehouses. It is a typical industrial building – concrete corrugated roof, small windows and it directly abuts the highway on three sides. Hardly seeming suitable for housing, this is exactly what it is destined to become. And it gets worse.

When Watford Council received the notice of Prior Approval from the applicant they were alarmed to find that the drawings proposed 15 flats ranging from 16.5m² to 21m²; seven of these were to have no windows whatsoever; residents on the upper floors also appeared to have no means of escape in case of fire. You would think that given the unsuitability of the location, the cramped and oppressive living conditions and the risk of being burned to death by a fire that the council could simply refuse the development on planning grounds. However, under the revised GPDO they only had a very narrow room for manoeuvre. They could not use any traditional planning arguments, so they refused Prior Approval, in part, claiming that the conversion from light industrial to housing was not valid as the units to be provided could not classify as dwellings given the reasons listed above.

The applicant decided to appeal and won. The Inspector, Mr Rennie, found that size, quality, oppressive living environments and lack of ventilation, even if they fell below Government set housing standards, could not be used for refusal as this was not a condition of the GPDO. Nor did, “a lack of detail as to means of escape or ventilation ... result in the proposed development not being for new dwellings.” (Inspector’s Report – 13 May 2019). In short, no planning argument could prevent this scheme from being developed.

Beyond the obvious, why is this important? Since the early Housing (1874) and Town Planning (1909) Acts came into force a major goal of the system has been to provide clean, adequate, sanitary and safe dwellings for individuals. The legislation and debates around that legislation have acknowledged that the market, without some clear guidelines and regulations, was not always amenable to providing habitable and safe homes that would protect both residents and the communities around them. Given this case and the experience many councils have had thus far with the standard of PDR conversions to housing (see [Clifford et al 2018](#)) it seems that this still holds true.

As the Government seeks to extend these rights further, we need to reflect on what it is we want. If we want to Build, Build, Build, then arguably this is a way forward. Developers can build quickly, but they can also do this without regard to space standards, amenities like safe play areas for children and the health and safety of the occupants. They do not need to consider the environmental efficiency of the building and they do not need to worry if the site is wholly unsuitable for housing, which many of the industrial and storage sites are.

Not all developers will behave in this way. There will always be the large players who have reputations to maintain and a corporate ethos that counters cowboy tendencies, but we have to understand that there are and will always be a dedicated group of profiteers who care more about leveraging profit out of sites than they do about the health and safety of others.

Our planning system has developed over the years to try and aid in the creation of communities that we have, as a society, seemingly endorsed. We have not sought to rigidly separate use and have actively encouraged the existence of residential, retail, office space and housing so that we have vibrant high streets and business and homes in walkable proximity to one another. We have, through the political process, endorsed governments who have promoted sustainability and decent home standards. By supporting increasing deregulation of planning we are reversing these values. We are actively promoting a system that lacks oversight of what is built. We are choosing to build “negative living environments” that are small, cramped and oppressive for those least able to afford a home.

If this is what we want, then we should absolutely pursue Government policies toward deregulation. But we must be honest about what this means and what it says about us as a society.

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